



Journal of the Senate

Number 5—Regular Session

Thursday, March 17, 2005

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[See end of Journal for Bill Action Summary]

CALL TO ORDER

The Senate was called to order by President Lee at 1:00 p.m. A quorum present—37:

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Excused: Senators Clary and Dawson; and Senator Peaden until 2:50 p.m.

PRAYER

The following prayer was offered by the Rev. Dr. Douglas Dortch, Pastor, First Baptist Church, Tallahassee:

Almighty and everlasting God, source of all life and giver of every good and perfect gift, we thank you this day that we have the privilege of serving the interests of the good and facilitating the realization of an orderly and meaningful existence for every aspect of your creation.

We pray this afternoon for these your public servants who have gathered in this Florida Senate to offer their best thought and deliberation with respect to the complicated issues and responsibilities that fall upon every member of this august assembly. Only you, O God, fully comprehend the pressures they feel and the burdens they bear. So, we lift up each member of this Senate and all who work with them. We ask that you bestow upon them your wisdom and your strength, your mercy and your grace. Grant to them every resource necessary to fulfill their charge of enhancing the quality of life for all Floridians. Watch over them, keep them, and bless them in all their endeavors.

In a day of heightened tension and uncertainty, remind us all that you are at work quietly, but faithfully, to bring about your eternal purpose. Use these willing participants in this Florida Senate to be instruments of your peace, both today and for the remainder of this session.

This prayer we offer in your name. Amen.

PLEDGE

Senate Pages Rachel Eisenberg of Plantation; Rachel Axelson of Niceville; Joshua Reynolds of Live Oak; and Justin Tolar of Plant City, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Jones—

By Senator Jones—

SR 994—A resolution recognizing March 15 and 16, 2005, as Legislative Massage Therapy Awareness Days.

WHEREAS, members of the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association throughout the state are actively involved in public awareness and health programs to improve the health and quality of life of Florida residents, and

WHEREAS, the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association have been holding Legislative Massage Therapy Awareness Days at the Florida Capitol since 1988 for the purpose of educating the State Legislature and the public concerning the many health benefits of massage therapy, and

WHEREAS, licensed massage therapists have been licensed and regulated in the State of Florida since 1943, and there are over 23,000 massage therapists licensed by the state, and

WHEREAS, massage therapy is a low-cost, high-quality means of enhancing and restoring health, and

WHEREAS, increased awareness of the benefits of massage therapy will lead to improved health and vitality of the residents of the State of Florida, and

WHEREAS, the Legislature recognizes massage therapy for wellness and preventive health measures, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 15 and 16, 2005, are recognized as “Legislative Massage Therapy Awareness Days.”

—**SR 994** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **CS for SB 478** was deferred.

CS for SB 200—A bill to be entitled An act relating to the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 252.81, F.S., redesignating the act as the “Emergency Planning Community Right-to-Know Act”; amending s. 252.85, F.S.; updating a reference to a federal list of hazardous substances for which the Department of Community Affairs collects fees that fund emergency planning and community right-to-know programs; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for SB 200** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

CS for SB 246—A bill to be entitled An act relating to child safety; requiring school boards to promulgate policies regarding release of children; providing a definition; requiring copies of the policies to be provided to the Department of Education; requiring nonpublic schools, private schools, and certain child care facilities to promulgate policies regarding release of children; requiring making such policies available on the premises of the schools or child care facilities; providing a definition; providing an effective date.

—was read the third time by title.

On motion by Senator Hill, **CS for SB 246** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

SB 516—A bill to be entitled An act relating to the Department of Citrus; amending s. 601.09, F.S.; revising and reorganizing the citrus districts of the state; establishing four such districts; specifying the counties within each district; amending ss. 601.04 and 601.154, F.S., relating to the membership of the Florida Citrus Commission and the Citrus Stabilization Act of Florida; conforming provisions to changes made by the act; providing an effective date.

—as amended March 10 was read the third time by title.

On motion by Senator Alexander, **SB 516** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Baker	Constantine
Alexander	Bennett	Crist
Argenziano	Bullard	Diaz de la Portilla
Aronberg	Campbell	Dockery
Atwater	Carlton	Fasano

Garcia	Lynn	Siplin
Geller	Margolis	Smith
Haridopolos	Miller	Villalobos
Hill	Posey	Webster
Jones	Pruitt	Wilson
King	Rich	Wise
Klein	Saunders	
Lawson	Sebesta	

Nays—None

SB 292—A bill to be entitled An act relating to citrus canker eradication; repealing s. 4 of ch. 2002-11, Laws of Florida; abrogating the repeal of s. 581.184(1)(b), F.S., which defines the term “exposed to infection” for purposes for eradicating citrus canker disease; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **SB 292** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

SB 166—A bill to be entitled An act relating to child support; amending s. 409.2558, F.S.; requiring the Department of Revenue, prior to determining a collection or refund to be undistributable to make reasonable efforts to locate persons to whom collections or refunds are owed, including disclosure on the Internet of information with appropriate safeguards to protect the privacy of the persons named in the database; providing an effective date.

—as amended March 10 was read the third time by title.

On motion by Senator Aronberg, **SB 166** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

SB 106—A bill to be entitled An act relating to the state retirement system; amending s. 121.091, F.S.; providing that a disability of an

employee who works in another state full time may be certified by physicians licensed in that state; correcting a cross-reference; amending s. 121.22, F.S.; increasing the size of the State Retirement Commission from three to five members; amending s. 121.24, F.S.; revising the quorum requirements of the commission; amending s. 121.35, F.S.; deleting the provision that requires 1 academic year of employment or appointment in the State University System for participation in the optional retirement program; providing an effective date.

—as amended March 10 was read the third time by title.

On motion by Senator Constantine, **SB 106** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

SPECIAL ORDER CALENDAR

CS for SB 804—A bill to be entitled An act relating to the suspension of artificially provided sustenance or hydration from a person in a persistent vegetative state; creating s. 765.405, F.S.; prohibiting the suspension of the sustenance or hydration under certain conditions; authorizing certain parties to petition the court to prevent suspension of the sustenance or hydration; specifying that the act is remedial and providing for its application; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which failed:

Amendment 1 (462276)(with title amendment)—Delete everything after the enacting clause and insert: Section 1. Section 765.405, Florida Statutes, is created to read:

765.405 Withholding or withdrawing artificially provided sustenance or hydration.—When upon request of a proxy, surrogate, or guardian a court is to decide whether to issue an order or provide other authority for the withholding or withdrawing of artificially provided sustenance or hydration from a person in a persistent vegetative state who has no advance directive, the decision of the court to issue the order or provide the authority must be supported by clear and convincing evidence that the person, while competent and prior to entering into a persistent vegetative state, expressly and unequivocally directed or instructed the withholding or withdrawing of artificially provided sustenance or hydration.

Section 2. The provisions of this act apply to every living person on and after the effective date of this act. Specifically, the provisions of this act apply to all situations in which a person is in a persistent vegetative state on or after the effective date of this act and requires artificially provided sustenance or hydration for survival. It is the intent of the Legislature that this act authorizes an interested party, as determined by the court, to petition a court of competent jurisdiction to decide whether artificially provided sustenance or hydration may be withheld after being withdrawn from a person in a persistent vegetative state on or after the effective date of this act.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to artificially provided sustenance or hydration; creating s. 765.405, F.S.; prescribing evidence to govern court decisions on withholding or withdrawing artificially provided sustenance or hydration from certain persons in persistent vegetative states; providing for application of the act; expressing legislative intent to authorize certain parties to petition a court relating to the withholding of artificially provided sustenance or hydration; providing an effective date.

The vote was:

Yeas—16

Mr. President	Fasano	Sebesta
Atwater	Garcia	Villalobos
Baker	Haridopolos	Webster
Constantine	Lawson	Wise
Crist	Posey	
Diaz de la Portilla	Pruitt	

Nays—21

Alexander	Dockery	Margolis
Argenziano	Geller	Miller
Aronberg	Hill	Rich
Bennett	Jones	Saunders
Bullard	King	Siplin
Campbell	Klein	Smith
Carlton	Lynn	Wilson

Vote after roll call:

Yea—Peaden

Votes Recorded:

March 18, 2005: Yea—Clary

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of the Special Order Calendar.

On motion by Senator Webster, further consideration of **CS for SB 804** was deferred.

On motion by Senator Garcia—

CS for SB 1486—A bill to be entitled An act relating to property insurance; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1486** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 114—A bill to be entitled An act relating to trust funds; creating the Entertainment Industry Financial Incentive Trust Fund; providing for sources of funds and purposes; requiring funds to remain in the trust fund at the end of each fiscal year; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 114** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 238—A bill to be entitled An act relating to personal injury protection insurance; amending s. 627.732, F.S.; defining the terms “biometric” and “biometric time date technology”; amending s. 627.736, F.S.; revising procedures with respect to the use of biometric time date technology for the purpose of documenting claims and making payments under personal injury protection benefits; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 238** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 300—A bill to be entitled An act relating to taxation; repealing s. 11, ch. 2000-312, Laws of Florida; abrogating the expiration of provisions in ss. 197.182(1), (3), 120.80(14)(b), 213.21(2), (3), 199.185(1)(n), 125.0104(6), (10), 212.0305(5)(c), 213.053(7)(j), 212.055(2)(c), (5), (7), F.S., relating to the Department of Revenue passing upon and ordering refunds of property taxes, taxpayer contest proceedings against the department, procedures by which the department may resolve disputes relating to assessment of taxes, interest, and penalties, exemption from the tax on intangible personal property for leasehold estates in governmental property, auditing of records relating to local administration of the Tourist Development Tax, auditing of records relating to local administration of the Convention Development Tax, disclosure of confidential information by the department, levying the County Public Hospital Surtax, distribution of the Local Government Infrastructure Surtax, and the Voter-Approved Indigent Care Surtax, which expiration was scheduled to take effect October 1, 2005; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 300** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 162—A bill to be entitled An act relating to voyeurism; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are made a crime under the offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 162** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 366** was deferred.

On motion by Senator Saunders—

SB 266—A bill to be entitled An act relating to nursing home facilities; amending s. 400.141, F.S.; providing a method by which state-designated teaching nursing homes and affiliated assisted living facilities may demonstrate financial responsibility; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 266** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 434—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions;

providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; providing that a housing accommodation may request proof of compliance with vaccination requirements; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendments which were adopted:

Amendment 1 (820374)—On page 5, line 24 through page 11, line 17, delete those lines and insert:

(i) “*Substantially limits*” means the impact of the condition renders the individual unable to perform an activity compared to an average person in the general population. Factors to consider in determining whether an impairment substantially limits a major life activity include the nature and severity of the impairment, how long it will last or is expected to last, and its permanent or long-term impact or expected impact.

(j) “*Undue burden*” means a significant difficulty or expense that is determined by considering:

1. The nature and costs of the action needed under this part;
2. The overall financial resources of the site involved in the action, the number of persons employed at the site; the effect on expenses and resources; safety requirements that are necessary for safe operation, including crime-prevention measures, and the impact of the action upon the operation of the site;
3. The geographic separation and the administrative or fiscal relationship of the site in question to a parent corporation or entity;
4. If applicable, the overall financial resources of a parent corporation or entity; the overall size of the parent corporation or entity with respect to its number of employees; and the number, type, and location of its facilities; and
5. If applicable, the type of operations of a parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

(2)(1)(a) ~~An individual with a disability is The deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled are~~ entitled to full and equal accommodations, advantages, benefits, facilities, and privileges on all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, and other public conveyances or modes of transportation; in all state and local government facilities, programs, services, and activities; and at hotels, lodging places, places of public accommodations accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons. ~~This section does not require any person, firm, or corporation, or any agent thereof, to modify or provide any vehicle, premises, facility,~~

or service to a higher degree of accommodation than is required for a person not so disabled.

(3)(b) Every individual with a disability ~~deaf or hard of hearing person, totally or partially blind person, person who is subject to epilepsy or other such seizure disorders, or physically disabled person~~ has the right to be accompanied by a dog guide or service animal dog, specially trained for the purpose, in any place of public accommodation or state or local government facility, program, service, or activity ~~the places listed in paragraph (a) without being required to pay an extra charge for the dog guide or service dog; however, such a person is liable for any damage done to the premises or facilities by such a dog. The dog guide or service dog must be capable of being properly identified as being from a recognized school for seeing eye dogs, hearing ear dogs, service dogs, including, but not limited to, seizure alert and seizure response dogs, or guide dogs.~~

(4) State and local governmental entities and public accommodations must accommodate service animals that assist individuals with disabilities unless doing so would result in an undue burden or fundamental alteration to the nature of the program, activity, service, facility, or business.

(5) Documentation that the service animal is trained is not a precondition for providing service to an individual accompanied by a service animal. A public accommodation or government entity may ask if an animal is a service animal or what tasks the animal has been trained to perform in order to determine the difference between a service animal and a pet.

(6) A service animal may accompany the individual with a disability to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy. An individual with a service animal may not be segregated or treated in a manner that is unequal to that extended to other customers or the public.

(7)(a) A public accommodation may not impose a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual with a disability, even if a deposit is routinely required for pets.

(b) An individual with a disability is liable for damage caused by a service animal if it is the regular policy and practice of the public accommodation to charge nondisabled persons for damages caused by their pets.

(8) The care or supervision of a service animal is the responsibility of the individual owner. A public accommodation or government entity is not required to provide care or food or a special location for the service animal or assistance with removing animal excrement.

(9)(a) A public accommodation or government entity may exclude or remove any animal from the premises, including a service animal, if the animal's behavior poses a direct threat to the health and safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual with a service animal. The perception of a threat or fear based on past experience does not constitute a direct threat.

(b) If a service animal is excluded or removed as being a direct threat to others, the public accommodation or government entity must provide the individual with a disability the option of continuing access to the public accommodation or government entity without having the service animal on the premises.

(c) ~~Every person with paraplegia or quadriplegia has the right to be accompanied by a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, in any of the places listed in paragraph (a) without being required to pay an extra charge for the nonhuman primate; however, such a person is liable for any damage done to the premises or facilities by such nonhuman primate.~~

(10)(2) Any person, firm, business, or corporation, or the agent of any person, firm, business, or corporation, who denies or interferes with admittance to, or enjoyment of, the public accommodation of, facilities enumerated in subsection (1) or otherwise interferes with the rights of, an individual with a disability ~~a deaf person, a hard of hearing person, a totally or partially blind person, a person who is subject to epilepsy or~~

~~other such seizure disorders, or an otherwise physically disabled person under this section, or the trainer of a dog guide or service animal dog while engaged in the training of the animal under such a dog pursuant to subsection (14) (7), commits is guilty of a misdemeanor of the second degree for the first offense and a misdemeanor of the first degree for each subsequent offense, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.~~

(11)(3) It is the policy of this state that individuals with disabilities ~~the deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled~~ shall be employed in the service of the state or political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds, and an employer may not refuse employment to an individual with a disability ~~the deaf, the hard of hearing, the blind, the visually handicapped, or the otherwise physically disabled on the basis of the disability alone, unless it is shown that the particular disability prevents the satisfactory performance of the work involved.~~

(12)(4) Each individual with a disability is ~~Deaf persons, hard of hearing persons, blind persons, visually handicapped persons, and otherwise physically disabled persons~~ are entitled to rent, lease, or purchase, as other members of the general public, any housing accommodations offered for rent, lease, or other compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

(a) As used in this subsection, the term "housing accommodations" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but does not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(b) This section does not require any person renting, leasing, or otherwise providing real property for compensation to modify her or his property in any way or provide a higher degree of care for a deaf person, hard of hearing person, blind person, visually handicapped person, or otherwise physically disabled person than for a person who is not so handicapped.

(13)(c) Each individual with a disability ~~deaf person, hard of hearing person, totally or partially blind person, or otherwise physically disabled person who has a service animal dog guide, or who obtains a service animal dog guide, is entitled to full and equal access to all housing accommodations provided for in this section, and the such a person may shall not be required to pay extra compensation for the service animal dog guide. However, an individual with a disability such a person is liable for any damage done to the premises or another person by such a service animal dog guide. A housing accommodation may request proof of compliance with vaccination requirements.~~

(d) ~~Each person with paraplegia or quadriplegia who has or obtains a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, is entitled to full and equal access to all housing accommodations provided for in this section, and she or he shall not be required to pay extra compensation for such a nonhuman primate. However, the person is liable for any damage done to the premises by such a nonhuman primate.~~

(14)(5) An Any employer covered under subsection (11) (3) who discriminates against an individual with a disability ~~the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled in employment, unless it is shown that the particular disability prevents the satisfactory performance of the work involved, or any person, firm, or corporation, or the agent of any person, firm, business, or corporation, providing housing accommodations as provided in subsection (12) (4) who discriminates against an individual with a disability commits the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled is guilty of a misdemeanor of the second degree for the first offense and a misdemeanor of the first degree for each subsequent offense, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.~~

(6)(a) As used in this section, the term "physically disabled person" means any person who has a physical impairment that substantially limits one or more major life activities.

(b) As used in this section, the term "hard of hearing person" means an individual who has suffered a permanent hearing impairment that

is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.

(15)(7) Any trainer of a ~~dog guide or service animal~~

Amendment 2 (620910)—On page 10, delete line 13 and insert: *premises or to another person on the premises by such a the service animal dog guide.*

Pursuant to Rule 4.19, **CS for CS for SB 434** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

—was read the second time by title.

The Committee on Government Efficiency Appropriations recommended the following amendment which was moved by Senator Campbell:

Amendment 1 (452396)—On page 3, delete line 25 and insert: *vote of at least 60 percent of those electors voting on the question, to*

On motion by Senator Campbell, further consideration of **CS for SB 62** with pending **Amendment 1 (452396)** was deferred.

On motion by Senator Smith—

SB 544—A bill to be entitled An act relating to psychotherapist-patient privilege; amending s. 90.503, F.S.; redefining the term “psychotherapist” to include certain advanced registered nurse practitioners for

purposes of the psychotherapist-patient privilege of the Florida Evidence Code; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (220592)—On page 2, line 11, delete “(5)” and insert: 5.

Pursuant to Rule 4.19, **SB 544** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 474—A bill to be entitled An act relating to nurse registries; amending s. 400.506, F.S.; revising requirements for home visits by registered nurses; deleting a mandatory requirement for monthly visits; requiring that the patient be notified of the availability of optional visits; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 474** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 64—A bill to be entitled An act relating to guardianship; amending s. 737.2065, F.S.; authorizing the guardian of the property of an incapacitated person to contest the validity of a trust before it becomes irrevocable; amending s. 744.107, F.S.; revising provisions relating to court monitors; requiring orders of appointment and monitors' reports to be served upon certain persons; authorizing the court to enter any order necessary to protect a ward or ward's estate; requiring notice and a hearing; authorizing a court to assess certain costs and attorney's fees under certain circumstances; creating s. 744.1075, F.S.; authorizing a court to appoint a court monitor on an emergency basis under certain circumstances; requiring the court to make certain findings; requiring the monitor to report findings and recommendations; providing duties of the court relating to probable cause for the emergency appointment; providing requirements for a court order to show cause for the emergency appointment; specifying a time period for a monitor's authority; providing for extending such time period; authorizing the court to issue certain injunctions or orders for certain purposes; requiring the court to provide copies of such injunctions or orders to all parties; authorizing the court to impose sanctions or take certain enforcement actions; providing for payment of reasonable fees to the monitor; prohibiting certain persons from receiving certain fees; authorizing a court to assess certain costs and attorney's fees under certain circumstances; amending s. 744.331, F.S.; requiring the court to determine whether there is an alternative to guardianship if a person is determined incapable of exercising his or her delegable rights; authorizing an interested person to file a verified statement indicating a belief that an incapacitated person's trust, trust amendment, or durable power of attorney is invalid, in which case such instrument may not be an alternative to the appointment of a guardian; amending s. 744.441, F.S.; requiring the court to determine whether an action contesting the validity of a trust is in the ward's best interests before authorizing a guardian to bring such actions; creating s. 744.462, F.S.; requiring that the validity of a ward's durable power of attorney, trust, or trust amendment be reported in the guardianship proceedings; requiring the court to review the continued need for a guardian and delegation of the ward's rights under certain conditions; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (554576)(with title amendment)—On page 7, between lines 17 and 18, insert:

Section 5. Subsection (2) of section 744.387, Florida Statutes, is amended to read:

744.387 Settlement of claims.—

(2) In the same manner as provided in subsection (1) or as authorized by s. 744.301, the natural guardians or guardian of a minor may settle any claim by or on behalf of a minor that does not exceed \$15,000 without bond. A legal guardianship shall be required when the amount of the net settlement to the ward exceeds \$15,000. *The present value or future benefits of a structured settlement may not be included in determining the net settlement to a ward for guardianship purposes if the settlement includes a structured settlement that does not pay benefits to the minor until the minor reaches the age of majority.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 15, after the first semicolon (;) insert: amending s. 744.387, F.S.; providing that the present value or future benefits of a structured settlement may not be included in determining the net settlement to a ward for guardianship purposes if the settlement includes a structured settlement that does not pay benefits to the minor until the minor reaches the age of majority;

Pursuant to Rule 4.19, **CS for SB 64** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, the Senate resumed consideration of—

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (452396)** by the Committee on Government Efficiency Appropriations was adopted.

The Committee on Government Efficiency Appropriations recommended the following amendment which was moved by Senator Campbell and adopted:

Amendment 2 (630652)(with title amendment)—On page 3, delete line 27 and insert: *millage rate authorized by this section. Such approval shall be obtained by submitting the question to a referendum of the qualified electors in the county. The referendum shall be held in conjunction with the next regularly scheduled general election, in accordance with section 100.342, Florida Statutes. A district created*

And the title is amended as follows:

On page 1, delete line 8 and insert: by referendum at the next general election to annually levy

Pursuant to Rule 4.19, **CS for SB 62** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 366—A bill to be entitled An act relating to health care practitioners; amending s. 456.072, F.S.; providing that a health care practitioner's failure to comply with the terms of a monitoring or treatment program for impaired practitioners or failure to complete any drug-treatment or alcohol-treatment program is an additional ground under which the practitioner is subject to discipline by the Department of Health or the board having jurisdiction over the practitioner; reenacting ss. 457.109(2), 458.331(2), 459.015(2), 460.413(2), 461.013(2), 462.14(2), 463.016(2), 464.018(2), 465.016(2), 466.028(2), 467.203(2), 468.1295(2), 468.1755(1)(a) and (2), 468.217(2), 468.365(2), 468.518(2), 468.719(2), 468.811(2), 478.52(2), 480.046(2), 483.825(2), 483.901(6)(h), 484.014(2), 484.056(1)(a) and (2)(a), 486.125(2), 490.009(2), and 491.009(2), F.S., relating to health care practice acts and similar regulatory provisions, to incorporate the amendment to s. 456.072, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 366** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster, the Senate resumed consideration of—

CS for SB 804—A bill to be entitled An act relating to the suspension of artificially provided sustenance or hydration from a person in a persistent vegetative state; creating s. 765.405, F.S.; prohibiting the suspension of the sustenance or hydration under certain conditions; authorizing certain parties to petition the court to prevent suspension of the sustenance or hydration; specifying that the act is remedial and providing for its application; providing an effective date.

—which was previously considered this day.

MOTION

Senator Fasano moved that the rules be waived to allow consideration of the late filed amendment 754072. The motion failed, therefore the amendment was not considered.

Pursuant to Rule 4.19, **CS for SB 804** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and committees were allowed to meet 30 minutes after recess until 7:45 p.m.

MOTIONS

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, March 18.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, March 17, 2005: CS for SB 804, CS for SB 1486, SB 114, SB 238, SB 300, SB 162, CS for SB 366, SB 266, CS for SB 434, CS for SB 62, SB 544, CS for SB 474, CS for SB 64

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Commerce and Consumer Services recommends the following pass: SB 1438 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1030

The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Transportation recommends the following pass: SB 1460

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 1296 with 1 amendment

The bill was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 748 with 1 amendment

The Committee on Environmental Preservation recommends the following pass: SB 1352

The Committee on Transportation recommends the following pass: SB 868

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Children and Families recommends the following pass: SB 996 with 1 amendment

The Committee on Transportation recommends the following pass: SB 732 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 606

The bill was referred to the Committee on Education Appropriations under the original reference.

The Committee on Domestic Security recommends the following pass: SB 976

The bill was referred to the Committee on Environmental Preservation under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 1310

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1448

The bill was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Children and Families recommends the following pass: SB 1098

The Committee on Regulated Industries recommends the following pass: SB 1072

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends the following pass: SB 1360

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 318 with 3 amendments

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1330 with 2 amendments, SB 1662 with 1 amendment

The Committee on Commerce and Consumer Services recommends the following pass: SB 1056 with 6 amendments

The Committee on Ethics and Elections recommends the following pass: SJR 4 with 1 amendment, SJR 6 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Children and Families recommends the following pass: SB 96

The bill was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 822

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 56

The Committee on Government Efficiency Appropriations recommends the following pass: SJR 2144, SB 2146

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 832 with 1 amendment, SB 878 with 1 amendment

The bills were placed on the calendar.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1288

The Committee on Health Care recommends a committee substitute for the following: SB 1208

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1124

The bill with committee substitute attached was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Communications and Public Utilities recommends a committee substitute for the following: SB 620

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1652

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 518

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1458

The bill with committee substitute attached was referred to the Committee on Education Appropriations under the original reference.

The Committee on Agriculture recommends committee substitutes for the following: SB 858, SB 1748

The bills with committee substitutes attached were referred to the Committee on Environmental Preservation under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2

The bill with committee substitute attached was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1476

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: SB 1026, SB 1650

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 1324

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1314

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1312

The Committee on Community Affairs recommends a committee substitute for the following: SJR 228

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2200

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 328

The bill with committee substitute attached was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1114

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1446

The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 512

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1012

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Education; and Senators King and Bullard—

CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and the Blind under certain circumstances; extending the term of the scholarship;

prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; prohibiting certain private schools and other entities from participating in the scholarship program; authorizing students whose family income level meets certain federal poverty level criteria to continue to participate in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of non-compliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit

scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the Department of Education; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring

the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; requiring the Department of Education to report student performance data; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to conduct investigations of certain complaints; requiring the Department of Education to annually report on accountability activities; requiring the State Board of Education to adopt rules regarding documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and requiring independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing an effective date.

By the Committee on Community Affairs; and Senators Geller and Campbell—

CS for SJR 228—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to prescribe the method for valuing certain properties for ad valorem tax purposes.

By the Committee on Community Affairs; and Senators Fasano, Bennett, Lynn and Crist—

CS for SB 328—A bill to be entitled An act relating to automated external defibrillators in law enforcement vehicles; providing legislative findings and intent; providing definitions; requiring the Department of Law Enforcement to administer a grant program to fund the placement of automated external defibrillators in law enforcement vehicles; requiring a law enforcement agency to provide matching funds when making a grant request; providing an exception; providing for priority consideration for certain applications; authorizing local governments to use funds derived from forfeiture proceedings to purchase automated external defibrillators for law enforcement, firefighting, and emergency medical services vehicles and for training personnel; requiring the department to adopt rules; providing an appropriation; providing for administrative costs; providing for unused funds to be carried over for a specified period; providing an effective date.

By the Committee on Children and Families; and Senators Aronberg and Lynn—

CS for SB 512—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; providing standing for a governmental employer to seek an injunction for protection against repeat violence on behalf of an employee; revising the application of evidentiary requirements with respect to injunctions for protection of minor children; providing an effective date.

By the Committee on Health Care; and Senator Peadar—

CS for SB 518—A bill to be entitled An act relating to health professionals treating speech or hearing disorders; amending s. 468.1155, F.S.; revising requirements for the Department of Health in issuing a provisional license to practice speech-language pathology or audiology; revising licensing requirements for applicants who graduated, or who are currently enrolled, in a speech-language pathology or audiology program at a university located outside of the United States or Canada; authorizing the Board of Speech-Language Pathology and Audiology to waive certain requirements for applicants who received professional education in another country under certain circumstances; amending s. 468.1165, F.S.; revising requirements for applicants to obtain professional employment in order to be licensed by the department to practice speech-

language pathology or audiology; amending s. 468.1185, F.S.; revising requirements for the department to issue a license to an applicant to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for a person to be certified as an audiology assistant; requiring an audiologist or speech-language pathologist to give an assistant a board-approved plan for training and to maintain responsibility for services performed by the assistant; providing an effective date.

By the Committee on Communications and Public Utilities; and Senator Bennett—

CS for SB 620—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 364.02, F.S.; revising fee schedules for providers of interexchange telecommunications services; amending s. 365.171, F.S.; revising provisions for certain nonemergency telephone number pilot projects; amending s. 365.172, F.S.; limiting application of definitions; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; providing for grants and loans to certain counties for the purpose of upgrading E911 systems; authorizing the hiring of an executive director and an independent, private attorney; specifying that state and local governments are not customers for specified purposes; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing criteria and procedures for local approval of an application by a provider of wireless communications services; authorizing the local government to impose an application fee; directing local governments to notify a provider in writing of the deficiencies in an application; directing local governments to notify a provider in writing whether the resubmission of information properly completes the application; permitting local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that an action brought by a person adversely affected by a decision of a local government relating to a wireless communications facility shall be considered on an expedited basis; removing certain complaint procedures; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; revising provisions relating to use of right-of-way for utilities subject to regulation to remove certain application provisions; providing an effective date.

By the Committee on Agriculture; and Senator Smith—

CS for SB 858—A bill to be entitled An act relating to agriculture; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a short title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising the definition of the term “material safety data sheet” for purposes of the Florida Agricultural Worker Safety Act; repealing s. 502.014(5), F.S.; deleting a duty of the Department of Agriculture and Consumer Services relating to the issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting a reference to a type of milk which is no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of the term “frozen desserts”; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil

and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; amending s. 570.9135, F.S.; correcting a reference; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agricultural in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring the removal and destruction of plants under certain circumstances; specifying the circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing the requirement of an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for the suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for the department's regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing for obsolete agricultural equipment to be assessed at its value as salvage; defining the term "agricultural equipment"; providing a procedure for a taxpayer to claim the right of assessment under this section; authorizing the property appraiser to require information establishing a taxpayer's right to the classification; providing severability; providing an effective date.

By the Committee on Regulated Industries; and Senator Argenziano—

CS for SB 1012—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.271, F.S.; providing for the reinstatement of certain voided licenses; providing requirements for application and reinstatement of voided licenses, including fees, continuing education, and eligibility; providing an exemption; providing an effective date.

By the Committee on Commerce and Consumer Services—

CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Department of Transportation; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Department of Transportation to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing for an appropriation; providing an effective date.

By the Committee on Regulated Industries; and Senator King—

CS for SB 1114—A bill to be entitled An act relating to restaurants licensed to sell wine on the premises; creating s. 564.09, F.S.; authorizing a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption; amending s. 316.1936, F.S.; providing that a resealed wine container is not an open container for purposes of the prohibition against possessing an open container of alcohol in a vehicle; providing an effective date.

By the Committee on Regulated Industries; and Senators Haridopolos and Fasano—

CS for SB 1124—A bill to be entitled An act relating to mobile homes; amending s. 723.037, F.S.; providing intent, requirements, and restrictions regarding information exchanged in meetings between park owners and homeowners' committees and at mediation; providing exceptions; amending s. 723.0611, F.S.; designating the Florida Mobile Home Relocation Corporation as an agency of the state and certain other persons as officers, employees, or agents of the state for application of sovereign immunity provisions; providing rulemaking authority to administer provisions involving the corporation; amending s. 723.0612, F.S.; providing that mobile home owners are not eligible for compensation in certain circumstances involving change in use of the land comprising the mobile home park; providing entitlement to attorney's fees and costs in certain enforcement actions; providing an effective date.

By the Committee on Health Care; and Senator Peadar—

CS for SB 1208—A bill to be entitled An act relating to long-term care coverage; amending s. 409.905, F.S.; providing conditions for eligibility; creating s. 409.9102, F.S.; directing the Agency for Health Care Administration to establish the Long-term Care Partnership Program; providing purpose and duties; directing the agency to submit a plan and proposed legislation to the Legislature; providing a contingent effective date.

By the Committee on Commerce and Consumer Services; and Senators Aronberg and Lynn—

CS for SB 1288—A bill to be entitled An act relating to labor pools; amending s. 448.24, F.S.; authorizing a labor pool to provide day laborers with a method of obtaining cash from a cash-dispensing machine; providing criteria for the use of a cash-dispensing machine; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Carlton—

CS for SB 1312—A bill to be entitled An act relating to the recreational vehicles; amending s. 479.261, F.S.; requiring the Department of Transportation to incorporate certain markers on logo signs for certain establishments; requiring the department to adopt rules regarding the incorporation of those markers; amending s. 681.1096, F.S.; eliminating future termination of the program; revising requirements for program certification to ensure neutrality of dispute resolution; providing guidelines for the training of arbitrators and mediators; providing that the program must complete all mediation and arbitration within 70 days after receipt of the consumer's claim; requiring the program to gather and make available all documents relevant to a dispute; providing consumer exemption from mediation when at least one manufacturer does not qualify for the program; authorizing the Department of Legal Affairs to revoke the qualification of a noncompliant program; providing for notice to programs and manufacturers not in compliance, for opportunity to correct deficiencies, and for administrative hearings; requiring the program to maintain dispute records; creating an annual reporting requirement; providing the program with rulemaking authority to implement provisions of this section; amending s. 681.1097, F.S.; providing and revising dispute resolution guidelines for consumers of recreational vehicles; requiring consumers to submit their dispute to the program; providing that the claim is considered filed when it is date-stamped as received by the program; requiring the consumer's application form to be prescribed by the program; requiring the program administrator to screen all applications to determine eligibility; requiring the program administrator to provide notice of rejected applications; providing for mandatory mediation and the expansion of the scope of mediation at the consent of the parties; providing guidelines for mediation proceedings; requiring written response of manufacturers to consumer allegations; removing requirement that the program administrator notify the department of the mediation outcome; extending the deadline for consumer notification to the program administrator of a manufacturer's failure to comply with a mediation decision; revising guidelines for arbitration proceedings; providing that technical rules of evidence do not

apply to arbitration proceedings; providing for the expansion of the scope of arbitration at the consent of the parties; requiring the arbitrator's decision to consider all legal and equitable factors; providing consumers with means for civil enforcement of an award; extending the deadline for consumer notification to the program administrator of a manufacturer's failure to comply with an arbitration decision; providing that the arbitrator's decision is admissible as evidence in certain civil actions; providing an effective date.

By the Committee on Children and Families; and Senators Rich and Lynn—

CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; providing an effective date.

By the Committee on Health Care; and Senators Rich, Lynn, Wilson, Hill, Atwater, Klein and Dawson—

CS for SB 1324—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.8132, F.S.; providing for year-round enrollment in the Medikids program component of the Florida KidCare program; amending s. 409.8134, F.S.; providing for year-round enrollment in the Florida KidCare program; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 1446—A bill to be entitled An act relating to state financial matters; amending s. 121.021, F.S.; clarifying that the State Board of Administration may require that a member of the Florida Retirement System provide evidence of termination; amending s. 121.091, F.S.; providing that a member of the Public Employee Optional Retirement Program may not return to employment with an employer under the Florida Retirement System until after being terminated for 3 calendar months; providing an exception for those members who have reached the normal retirement requirements of the defined benefit plan; amending s. 121.4501, F.S.; redefining the terms "eligible employee" and "participant" for purposes of the Public Employee Optional Retirement Program; prescribing certain conditions on participation in the program; deleting references to the program's advisory committees; prescribing procedures for, and certain presumptions relating to, designation of beneficiaries; providing for participation by terminated DROP participants; amending s. 121.591, F.S.; providing for cancellation of certain payment instruments under the program when not presented for payment; providing for payment upon subsequent application and for forfeiture when not claimed within a certain period; providing that members of the Public Employee Optional Retirement Program may not receive a distribution from their account until after being terminated for 3 calendar months; providing an exception; providing for designation of beneficiaries for death benefits; amending s. 215.47, F.S.; authorizing investments in asset-backed securities; providing an effective date.

By the Committee on Community Affairs; and Senator Constantine—

CS for SB 1458—A bill to be entitled An act relating to the education of children of deceased or disabled veterans; amending s. 295.01, F.S.; extending the opportunity to receive postsecondary educational benefits at state expense to the dependent children of certain dead or disabled veterans who were Florida residents when the death or disability occurred; decreasing the minimum required length of the parent's residency; amending s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Iraqi Freedom; amending s. 295.02, F.S.; authorizing the use of funds for educational opportunities for the children of certain deceased and disabled veterans; providing an effective date.

By the Committee on Children and Families; and Senators Campbell and Margolis—

CS for SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring that a contract in excess of \$1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to verify that contractual terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator King—

CS for SB 1650—A bill to be entitled An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing additional qualifications for certain board members; authorizing activities, incentives, and awards; requiring a dispute-resolution process under certain circumstances; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; revising organizational requirements for regional workforce boards; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation; deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator King—

CS for SB 1652—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; exempting proceedings conducted by special deputies under chapter 443, F.S., from uniform rules of procedure; amending s. 443.071, F.S.; prohibiting establishing a fictitious employing unit for the purpose of receiving unemployment benefits; describing those acts that constitute prima facie evidence of establishing a personal benefit account and of claiming and receiving unemployment benefits; providing penalties; providing for access to certain investigative records; amending s. 443.091, F.S.; revising certain conditions of benefit eligibility; amending s. 443.1216, F.S.; clarifying powers of employee leasing companies in leasing officers and other workers to clients; restating types of employment exempt from coverage under chapter 443, F.S.; amending s. 443.1217, F.S.; providing applicability of guidelines for determining those wages subject to chapter 443, F.S.; amending s. 443.131, F.S.; redefining the term “total excess payments”; prescribing guidelines for transferring unemployment experience upon transfer or acquisition of a business; providing penalties for unlawful acts related to such transfer; amending s. 443.1317, F.S.; providing for an official seal for the Agency for Workforce Innovation; amending s. 443.151, F.S.; prescribing procedures with respect to untimely appeals; amending s. 895.02, F.S.; redefining the term “racketeering activity,” for purposes of the criminal statutes pertaining to that offense, to include creation of fictitious employer schemes to commit unemployment compensation fraud; reenacting ss. 16.56(1)(a) and 905.34, F.S., relating to the Office of Statewide Prosecution and to the powers and duties of a statewide grand jury, respectively, to incorporate

the amendment to s. 895.02, F.S., in references thereto; reenacting ss. 655.50(3)(g) and 896.101(2)(g), relating to the Florida Control of Money Laundering in the Financial Institutions Act and the Florida Money Laundering Act, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing effective dates.

By the Committee on Agriculture—

CS for SB 1748—A bill to be entitled An act relating to agricultural water conservation; requiring each water management district to review rule criteria for environmental resource permits, existing permit exemptions, and alternatives to standard permitting programs and recommend regulatory alternatives that will encourage agricultural water conservation; requiring a report by the Department of Agriculture and Consumer Services and the Department of Environmental Protection to the appropriate legislative committees; amending s. 373.236, F.S.; authorizing the issuance of permits for agricultural production for a specified period for uses that incorporate agricultural water conservation measures and provide a 10-percent net reduction in permitted water use or the replacement of a water supply source; amending s. 373.406, F.S.; providing that an exemption provided for activities having minimal adverse impact does not apply to any activities that are conducted as mitigation for wetland or other surface water impacts; amending s. 373.414, F.S.; authorizing the governing board of a water management district or the department to adopt criteria by rule for issuing permits for the use of wetlands for implementing agricultural water conservation measures; amending s. 373.2234, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Ethics and Elections; and Senators Atwater and King—

CS for SJR 2200—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution which authorizes the imposition of a new state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which increases, or authorizes the increase of, an existing state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase “existing State tax or fee” means any tax or fee producing revenue subject to lump sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, which tax or fee is in effect at the time of the election when the proposed amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which imposes a significant financial impact on state government be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase “significant financial impact” means an amount greater than one-tenth of 1 percent of the total state budget for the state fiscal year ending in the year prior to the general election in which such proposed amendment or revision is considered; deleting obsolete provisions.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 1334, CS for SB 1336, SB 1338 and SB 1340.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 10, 14 and 16 were corrected and approved.

CO-INTRODUCERS

Senators Bennett—SB 1116, SB 2570; Campbell—SB 1068, SB 2210; Dawson—SB 1176; Fasano—SB 2542; Geller—SB 1068; Hill—SB 2690; Jones—SB 1116; King—SB 2690; Lynn—CS for SB 56, SB 162, SB 316, SB 830, SB 1056, SB 1098, SB 1360, SB 1436, SB 1448; Posey—SB 612; Rich—SB 1620; Wise—SB 818

RECESS

On motion by Senator Pruitt, the Senate recessed at 3:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, March 18 or upon call of the President.

BILL ACTION SUMMARY**THURSDAY, MARCH 17, 2005**

S 62 Read second time

S 64 Read second time
 S 106 Read third time; Passed as amended 37-0
 S 114 Read second time
 S 162 Read second time
 S 166 Read third time; Passed as amended 37-0
 S 200 Read third time; CS passed 37-0
 S 238 Read second time
 S 246 Read third time; CS passed 37-0
 S 266 Read second time
 S 292 Read third time; Passed 37-0
 S 300 Read second time
 S 366 Read second time
 S 434 Read second time
 S 474 Read second time
 S 516 Read third time; Passed as amended 37-0
 S 544 Read second time
 S 804 Read second time
 S 994 Adopted
 S 1486 Read second time

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CO — Co-Introducers
CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion

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